

REMARKS

Claims 1-8 and 10-32 are now pending in this application. Claims 1, 18 and 24 are currently amended. Claim 9 is cancelled, without prejudice. Applicants acknowledge that claims 19-32 are allowed.

Applicants invention of claims 1-8 and 10-18, as now more clearly claimed, is a composite textile fabric comprising an inner fabric layer (being the layer closer to the wearer's body) made of a yarn comprising a plurality of fibers of polyester or other synthetic yarn that have been rendered hydrophilic, with particles of a refractory compound embedded within the fibers, and an outer fabric layer (being the layer further from the wearer's body) made of a yarn comprising a plurality of fibers of polyester or other synthetic yarn that have also been rendered hydrophilic. The inner and outer fabric layers are formed concurrently by knitting a plaited construction. According to the invention, the inner fabric layer has a surface area enlarged by a raising process for creating air spaces to enhance insulation performance and for reducing contact of the inner fabric layer upon a wearer's skin.

Claims 1-18 stand rejected under 35 USC §103(a) as being obvious and therefore unpatentable over Lumb et al. US 5,312,667 in view of Fujiwara JP 09-087,901A. We respectfully traverse.

In particular, Lumb et al. '667 describes a composite textile fabric for moving moisture away from the skin, the fabric consisting of two layers formed concurrently by knitting a plaited construction. The first fabric layer, lying relatively closer to the skin, has a surface that has been raised and rendered hydrophilic. The second fabric layer comprises at least 35% by weight of a moisture absorbing material and its surface is coated with a polyurethane blend to promote non-pilling characteristics.

Fujiwara '901 describes stockings formed of a synthetic fiber, such as polyester and acrylic, containing a substance such as zirconium carbide and carbon having a strong heat storing and heat insulating effect to absorb sunshine and convert it to heat and also to reflect heat generated from the human body, for the purpose of providing warmth in a thin stocking that

seeks to obtain (i.e., retain) the beauty of leg lines, which was not possible in prior art, multi-layered heat-insulating stockings.

The Examiner proposes to combine the heat reflecting fibers of Fujiwara with the composite fabric described by Lumb et al. '677 in order to achieve Applicants' invention. However, neither Fujiwara nor Lumb et al. '677 provides the requisite teaching or suggestion for a composite textile fabric consisting of inner and outer fabric layers, with particles of a refractory compound embedded within the fibers of the inner layer which also has a surface area enlarged by a raising process to create air spaces that enhance insulation performance and to reduce contact of the inner fabric layer upon a wearer's skin. Rather, Fujiwara teaches only a thin stocking, with refractory particles contained throughout, including in contact directly upon a wearer's skin, while Lumb et al. '677 provides no teaching nor suggestion for limiting incorporation of the refractory particles to an inner fabric layer, the inner layer having a surface area enlarged by a raising process to create air spaces that enhance insulation performance and to reduce contact of the inner layer upon the wearer's skin.

Claim 9 is cancelled, without prejudice. This renders moot the rejection of claim 9 under 35 USC 112, second paragraph. Claim 18 is amended to depend from claim 1, claim 9 having been cancelled. The specification and claim 24 are amended to correct minor typographical errors. No new matter has been introduced.

Finally, Applicants respectfully disagree with the Examiner's comment that "a fabric can be used in any direction." Rather, it is to be noted that the composite textile fabric of the instant application (and also the composite textile fabric of Lumb '667) is constructed for transport of moisture in a predetermined direction, i.e. away from a wearer's skin. Performance of the fabric in the desired manner dictates placement of the fabric with the inner fabric layer closer to the wearer's body and the outer fabric layer further from the wearer's body.

Applicants submit that this application is now in condition for allowance. Early favorable action is solicited.